

Application No. 10/710,476
Amendment and Response to Office Action
Express Mail Label No. EV 683 299 003 US

Amendments to the Drawings:

The attached two sheets of drawings include changes to Figs. 1 and 2 and replace the original sheets including Figs. 1 and 2. In Figs. 1 and 2, the legend "Prior Art" has been added.

Attachment: Replacement Sheets (Two Sheets)
Annotated Sheets Showing Changes

REMARKS

This Amendment is responsive to the non-final Office action dated June 9, 2006, setting forth a shortened three-month statutory deadline for reply with a two-month extension of time expiring on Thursday, November 9, 2006. This Response is filed on November 9, 2006; thus, a petition and fee for a two-month extension of time accompany this Amendment.

The Examiner is thanked for her review of this application and issuance of an Office action.

Claims 1-24 are pending in this application with claims 1 and 19 being independent claims. Claims 1, 9, 11, 13, 17 and 19 are amended, and claims 4-6 are cancelled. Accordingly, after entry of this Amendment, claims 1-3 and 7-24 will remain pending with claims 1, 9, 13, 17 and 19 being independent claims.

I. Objections to the Abstract

The Examiner objected to the language used in the abstract. In particular, the Examiner objected to the use of implied phrases like "the disclosure describes" and legal words like "comprises."

The abstract has been revised to address the Examiner's concerns. More particularly, the first sentence has been deleted since it used an implied phrase and the word "comprises" has been changed to the word "including." The Applicant respectfully submits that the rewritten abstract now contains clear and concise language that would assist a reader in deciding whether there is a need to consult the patent text. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the abstract.

II. Objections to the Specification

The Examiner objected to the specification in paragraph 14, line 9, because the Examiner asserts "FIG. 6" in this line should be "FIG. 5." To address the Examiner's concerns, the specification has been amended to replace "FIG. 6" with "FIG. 5". The Applicant respectfully submits the amendment to the specification overcomes the Examiner's objection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the specification.

III. Objections to the Drawings

The Examiner objected to the drawings because the Examiner asserts Figs. 1 and 2 should be designated by a legend such as "Prior Art" since only that which is old is

illustrated. Figs. 1 and 2 have been amended to include the legend "Prior Art" to address this issue. The Applicant respectfully submits the amendments to the drawings overcome the Examiner's objection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

IV. Claim Rejections Under § 102

Claims 1-2, 4 and 15 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,940,994 issued to Allen (hereinafter "Allen"). Claims 1-5, 7-8, 11-12 and 15-16 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pub. No. 2002/0062578 identifying Lussier et al. as inventors (hereinafter "Lussier"). For at least the following reasons, the Applicant respectfully disagrees with these rejections.

Claim 1 has been amended to incorporate all limitations of dependent claim 6 and intervening claims 4 and 5. When rewriting claim 1 to incorporate the limitations of claims 4 and 5, the limitations were simplified to make the amended claim more readable. Specifically, rather than rewriting the limitations from claims 4 and 5 as "at least one hole in the titanium portion and the at least one hole is a plurality of holes," these limitations were written as "a plurality of holes in the titanium portion."

The Examiner indicated claim 6 was allowable if rewritten in independent form including all limitations of the base claim and any intervening limitations. Since base claim 1 now contains the limitations of claim 6 and intervening claims 4 and 5, the Applicant respectfully submits amended claim 1 is patentably distinguishable over both Allen and Lussier and respectfully requests the Examiner withdraw the rejection and allow the claim.

Claims 2-3, 7-8, 11-12, and 15-16 all depend, directly or indirectly, from independent claim 1. Since each of these dependent claims depend from a patentably distinct independent claim for at least the reasons set forth above, the dependent claims are themselves patentable. Accordingly, the Applicant respectfully requests the Examiner withdraw his rejections over Allen and/or Lussier and allow all these claims. The Applicant makes this statement without reference to or waiving the independent bases of patentability within the dependent claims.

Claims 4-5 have been cancelled thereby rendering the rejections of them moot.

V. Allowable Subject Matter

The Applicant thanks the Examiner for indicating claims 19-24 are allowable. The Applicant also thanks the Examiner for indicating claims 6, 9-10, 13-14 and 17-18 are allowable if rewritten in independent form including all limitations of the base claim and any

intervening claims to overcome the Examiner's objections to them as depending from a rejected base claim.

Claim 6 has been cancelled thereby rendering the objection to it moot.

The Examiner indicated claim 9 would be allowable if rewritten as an independent claim containing all limitations of its base claim and any intervening claims. Claim 9 has been rewritten in independent form and incorporates all limitations of base claim 1 and intervening claim 8. Accordingly, the Applicant respectfully submits the objection to claim 9 is overcome and respectfully requests the Examiner withdraw the objection and allow the claim.

The Examiner indicated claim 13 would be allowable if rewritten as an independent claim containing all limitations of its base claim and any intervening claim. Claim 13 has been rewritten in independent form and incorporates all limitations of base claim 1 and intervening claims 7, 11 and 12. Accordingly, the Applicant respectfully submits the objection to claim 13 is overcome and respectfully requests the Examiner withdraw the objection and allow the claim.

The Examiner indicated claim 17 would be allowable if rewritten as an independent claim containing all limitations of its base claim and any intervening claim. Claim 17 has been rewritten in independent form and incorporates all limitations of base claim 1 and intervening claims 7, 15 and 16. Accordingly, the Applicant respectfully submits the objection to claim 17 is overcome and respectfully requests the Examiner withdraw the objection and allow the claim.

Claims 10, 14 and 18 depend from independent claims 9, 13 and 17, respectfully. Since each of these dependent claims depend from a patentably distinct independent claim for at least the reasons set forth above, the dependent claims are themselves patentable. Accordingly, the Applicant respectfully requests the Examiner withdraw his objections and allow all these claims. The Applicant makes this statement without reference to or waiving the independent bases of patentability within the dependent claims.

VI. Claim Amendments

Claim 11 has been amended to correct a typographical error. Specifically, claim 11 should read "an opening" rather than "opening." Thus, claim 11 has been amended accordingly. Because this amendment merely corrects an obvious typographical error, it does not narrow the scope of the claim.

Claim 19 has been amended to correct a typographical. More particularly, claim 19 should read "an adhesive" rather than "a adhesive." Therefore, claim 19 has been amended accordingly. Because this amendment merely corrects an obvious typographical error, it does not narrow the scope of the claim.

CONCLUSION

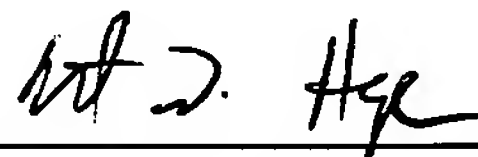
After entry of the above remarks and amendments, claims 1-3 and 7-24 remain in the application. In accordance with the amendments and arguments set forth herein, the Applicant respectfully submits the application and all claims are in condition for allowance, and requests such prompt allowance.

In accordance with 37 CFR § 1.136(a), a petition for a two-month extension of time accompanies this Amendment. Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$225.00, for the two-month extension of time fee. The Applicant believes no further fees or petitions are required. However, should any such fee or petition be required, please consider this as authorization therefor and please charge such fees to Deposit Account No. 04-1415.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, the Examiner is invited to contact the undersigned at (303) 352-1118.

Dated: November 9, 2006.

Respectfully submitted,



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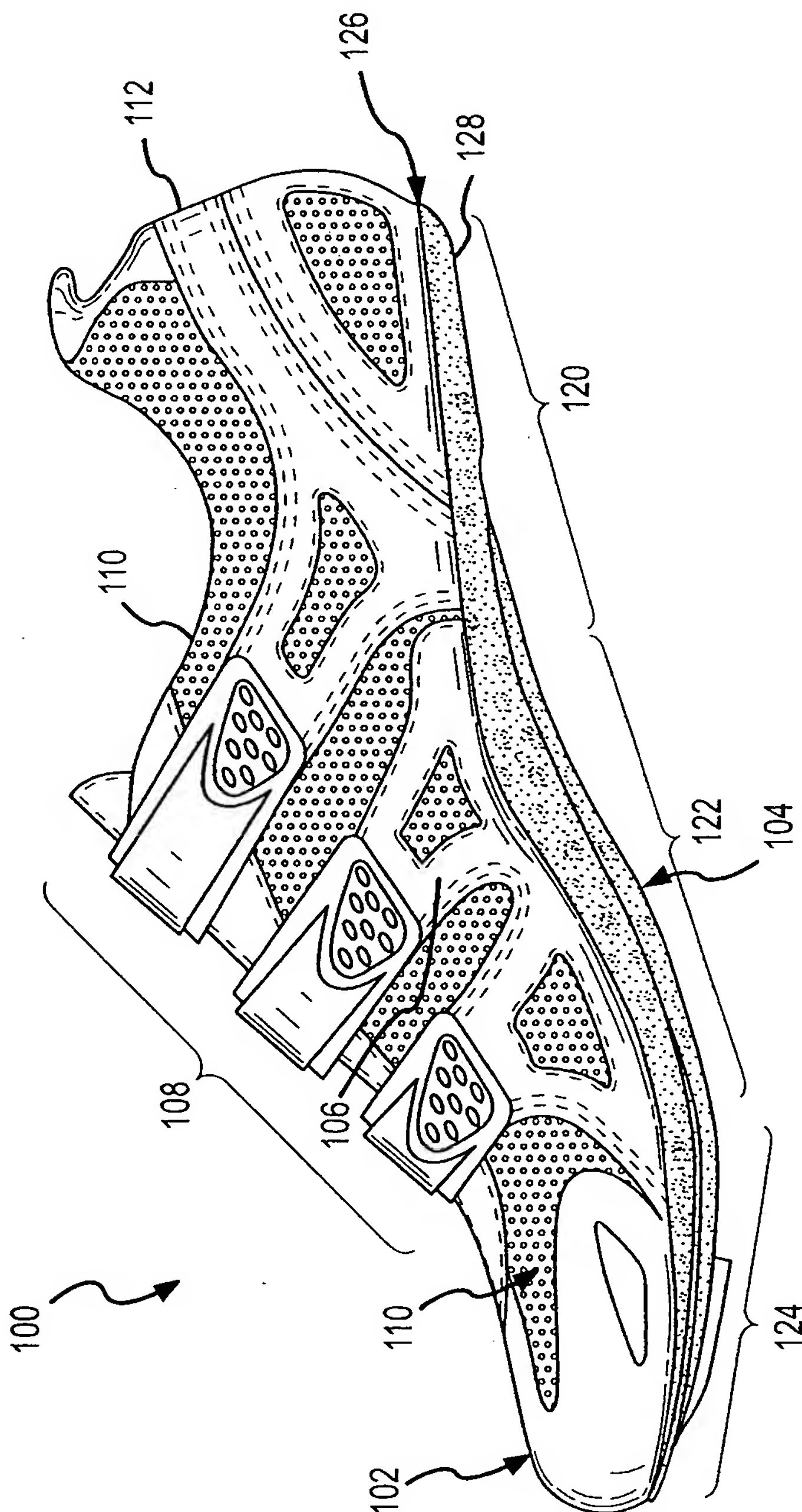


FIG. 1

PRIOR ART

Legend added

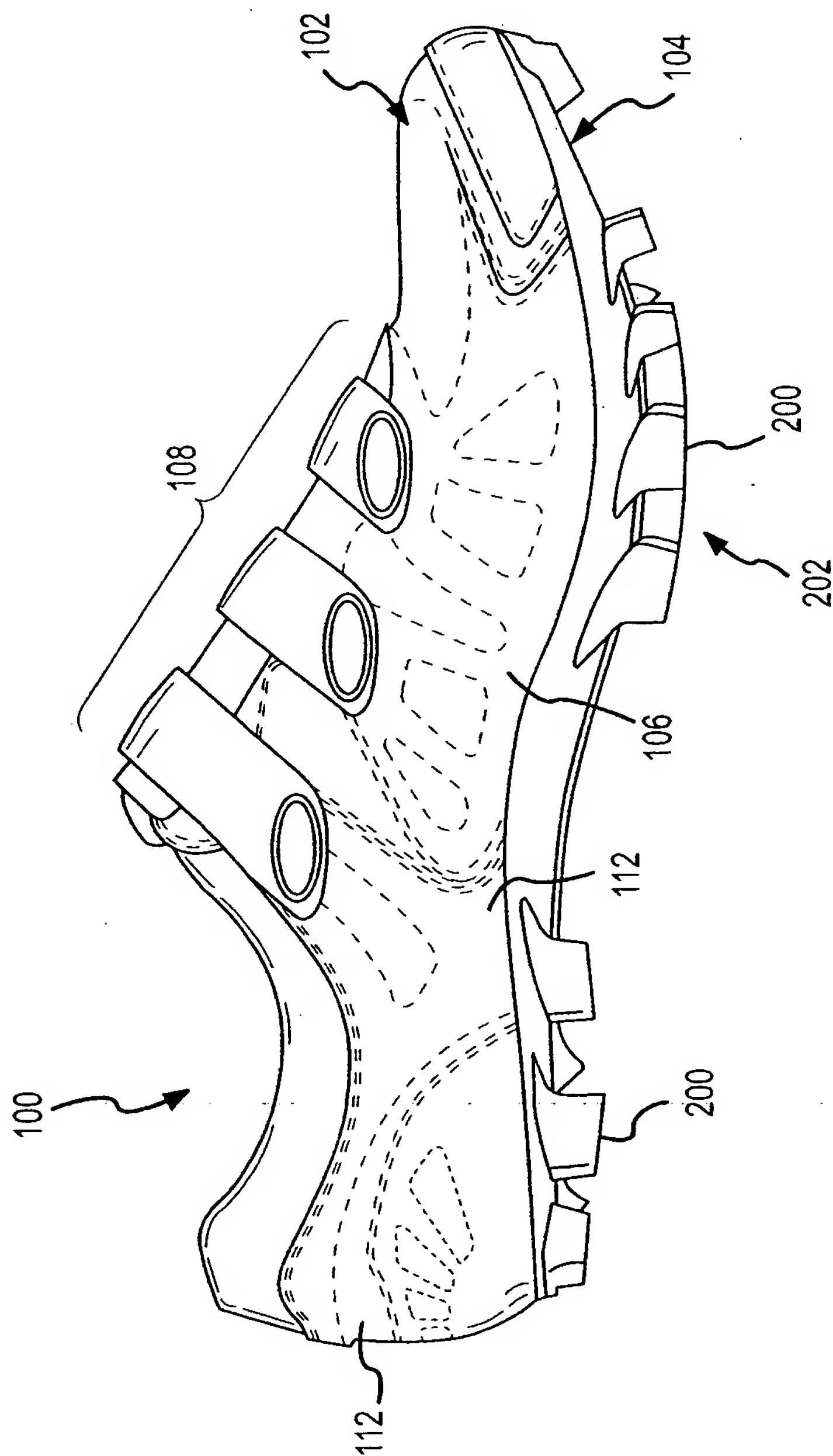


FIG. 2

PRIOR ART Legend added